

page 6, line 26. The subject matter for this amendment may be found *inter alia* at page 3, lines 9-14. Furthermore, applicants have amended the paragraph of the Specification which now immediately follows the aforementioned newly added paragraph. This paragraph has been amended to support the recitation of the “identification marking” of claim 14. Figure 2 has been amended, also to support this recitation of claim 14. Specifically, the demarcation “ID” has been included in Figure 2, as representative of an identification marking (which may alternatively be a drawing). Support for this amendment may be found, *inter alia* at Page 4, lines 9-16, and Page 6, lines 28-30. Finally, at page 2, the Office Action refers to the “identifier of claim 12” as not being included in the Figures. Applicants respectfully submit that the recitation of the “identifier” of claim 12 is included in the Figures as colored part 14. At page 4, line 5, it is stated that “the colored part identifies the breed....” Thus it is believed that support for claim 12 is in the specification, and that further amendments to the drawings are not necessary. Applicants believe that these drawing amendments obviate all grounds for objection to the drawings.

Many amendments to the claims have been made, primarily to clarify the invention, to address the claim objections, and the examiner’s concern that the former claims are “replete with grammatical and idiomatic errors.” See Office Action at page 2. Applicants have amended claims 1, 2, 6, 8, 15 and 16, at least in part, to address this matter. The amendments made herein are believed to obviate the grounds for this objection.

Former Claims 6 and 7 have been rejected under 35 U.S.C. §112, first paragraph, as containing subject matter which was has allegedly not been described as to provide an enabling disclosure. As mentioned above, applicants have amended the specification and drawings to clarify this matter. To reiterate, with regards to claim 6, the nature of the offset has been

depicted in the drawings, as may be seen as indicated by number 20 in amended Figure 2. The specification had recited this feature at page 3, line 9-14, but now also recites this feature *via* the newly added paragraph beginning at page 6, line 26 which points to element 20 of Figure 2 to aide in understanding this feature. Regarding claim 7, the aforementioned newly added paragraph includes a further description of the offset as being “approximately 2 to 3 mm.” Thus, applicants respectfully request for the rejection of claims 6 and 7 under 35 U.S.C. §112, first paragraph to be withdrawn.

Former Claim 8 has been rejected under 35 U.S.C. §112, second paragraph, as allegedly being indefinite. Claim 8 has been amended to recite “**A pouch according to claim 1, being at least partially filled with a liquid, wherein the drain passage has been sealed** in a sealing area, the sealing area being within said peelable area, and substantially transverse to the axis of the drain passage.” Emphasis added. The examiner had stated “ the presence of a liquid needs to be positively recited within the claim” and that, “the language of the claim is unclear as to what element of the claim is being sealed- the pouch or the liquid.” Applicants believe that the above amendments to claim 8, as more easily seen in Appendix 1, address the examiner’s concerns and satisfactorily clarify claim 8. Accordingly, applicants respectfully request for the rejection of claim 8 under 35 U.S.C. §112, second paragraph to be withdrawn.

Former Claim 15 has been rejected under 35 U.S.C. §112, second paragraph, as allegedly being vague as to the nature of the adaptation necessary to view the indication marking through the film. Claim 15, as amended, recites “A pouch according to claim 14, comprising transparent film forming at least a portion of the pouch, wherein the identification marking is adapted to be seen through the transparent film.” Applicants submit that there are many possible adaptations to allow for the identification marking to be seen through the transparent film. Among these

adaptations are having the indication marking printed on an interior or exterior surface of, or incorporated into the surface of the pouch. This would allow one to look through a transparent film to see the indication marking. Thus, applicants believe that the above amendment and these remarks obviate the grounds for rejection of claim 8 under 35 U.S.C. §112, second paragraph. Accordingly, applicants respectfully request withdrawal of the rejection applied to former claim 8 under 35 U.S.C. §112, second paragraph.

Former Claim 1 has been rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 4,976,708 to Oshiyama et al. However, as discussed below, the Oshiyama patent is deficient in a number of respects in teaching or suggesting applicants' invention, as recited in amended Claim 1. Claim 1, as amended, recites:

A pouch for packaging liquids for artificially inseminating animals, comprising two thermoplastics material films welded together by **a weld delimiting a pouch** along a closed path of generally rectangular shape **defining two shorter sides and two longer sides** when the pouch is empty, **the weld providing a first one of the *shorter sides* comprising a first interruption, the first interruption defining a *filler passage*** between said thermoplastics material films, the second one of the shorter sides comprising a second interruption, **the second interruption defining a drain passage** between said thermoplastic material films **wherein said drain passage is closed before use** by sealing means extending across the second interruption and joining the two thermoplastic material films.

(Emphasis added.) The Oshiyama patent does not teach or suggest the novel features recited in amended claim 1, as discussed below.

The blood reservoir described by the Oshiyama patent comprises an inlet port 15 formed on a long side of the reservoir 11c, a vent port 18 formed on a shorter top side 11f, and an outlet port 17 formed on a bottom side 11d. See Oshiyama, Figure 1 and specification at Columns 4-6. Also, Oshiyama requires the use of conduits for the inlet, vent and outlet ports, which may be plastic tubes (or a vent line tube in the case of the vent port). See Oshiyama at column 5, lines 4-6, 21 and 29-30, and column 6, lines 7-8. In no case, is a passage of Oshiyama simply "an

interruption” in “the weld” that forms the pouch, as recited in amended claim 1. In every port of Oshiyama, a secondary component (such as a tube) is attached to the reservoir to create inlet and outlet ports.

Oshiyama does not teach or suggest a “pouch ... defining two shorter sides ... and two longer sides ... when the pouch is empty...” as recited in amended claim 1. Rather, as may be seen in Figure 1 of Oshiyama, Oshiyama describes a reservoir that appears to in fact have five sides, the vent 18 being at the apex between two sides. Also, it is not obvious whether the side indicated by 11g is in fact shorter than the side of the reservoir indicated by 11e.

Oshiyama also does not teach or suggest “a first one of the shorter sides comprising a first interruption, the first interruption defining a filler passage...” as recited in amended claim 1. The inlet port 15 of Oshiyama is clearly on the longest side 11c of the reservoir. This is necessary for Oshiyama to function optimally, as a minimal amount of turbulence is typically desired in applications where blood is involved. Having the inlet port on the side eliminates a portion of the possible distance that the incoming blood would fall, and thereby eliminates at least a portion of the turbulence that the blood would otherwise experience. The goal of Oshiyama to reduce turbulence may be seen in the figures with respect to apertures 16, and in the specification at column 5, lines 14-19. Additionally, the vent port 18 must be at a high point above the fluid level so that it can effectively “discharge air resulting from debubbling of the drained blood in the space 12. See Oshiyama, column 6, line 7. Thus, having the inlet port below the vent port helps result in a more effective fluid transfer, as the air and blood are not crossing paths very near their respective ports, thereby reducing the chance of blood entering the vent port, or air entering the inlet port. Thus, Oshiyama teaches away from including a filler passage in “one of the shorter sides,” as recited in amended claim 1.

Furthermore, Oshiyama does not teach or suggest “defining a drain passage ... wherein said drain passage is closed before use by sealing means extending across the second interruption and joining the two thermoplastic material films,” as recited in amended claim 1. Although not explicitly stated, reservoirs of this nature are often sealed through the use of adjustable clamps, and not through sealing means, as recited in amended claim 1.

In light of the above amendments and remarks, applicants respectfully submit that Claim 1, as amended, distinguishes over the prior art of record, including the Oshiyama patent. Withdrawal of the rejection applied to former claim 1 under 35 U.S.C. §102(b) as being anticipated by Oshiyama is respectfully requested.

As mentioned above, Claim 1 was rejected under 35 U.S.C. §102(b) as being anticipated by Oshiyama. Claim 1 was not rejected under 35 U.S.C. §102 or under 35 U.S.C. §103 as being unpatentable over Scherer (U.S. Pat. No.2,648,46), Cassou et al. (U.S. Pat. No. 6,079,184), or Valeri (U.S. Pat. No. 4,804,363) or any combination thereof. Thus, Claim 1, as amended is believed to define patentable subject matter over the prior art of record, including Oshiyama, as mentioned above, Scherer, Cassou and Valeri.

Former Claims 2-4, 8-10 and 16 have been rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,976,708 to Oshiyama et al. in view of U.S. Patent No. 2,648,463 to Scherer. Claims 2-4, 8-10 and 16, as amended, all depend either directly or indirectly from claim 1, and thus, incorporate all of the features of amended claim 1. As mentioned above, claim 1, as amended, is believed allowable over Oshiyama, since Oshiyama fails to teach or suggest each and every element of amended claim 1. Scherer does not remedy the deficiencies of Oshiyama in teaching or suggesting each and every element of amended claim 1.

Since claim 1, as amended is believed allowable over the prior art of record, including Oshiyama and Scherer, Claims 2-4, 8-10 and 16 too are believed allowable over the prior art of record, including Oshiyama and Scherer. For the above-mentioned reasons, withdrawal of the rejection applied to Claims 2-4, 8-10 and 16 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,976,708 to Oshiyama et al. in view of U.S. Patent No. 2,648,463 to Scherer is respectfully requested.

Former Claims 5 and 17-19 have been rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 4,976,708 to Oshiyama et al. in view of U.S. Patent No. 6,079,184 to Cassou et al. Claims 5 and 17-19 all depend either directly or indirectly from amended claim 1, and thus recite all of the features of amended claim 1. As mentioned above, claim 1, as amended, is believed allowable over Oshiyama, since Oshiyama fails to teach or suggest each and every element of amended claim 1. Cassou et al. does not remedy the deficiencies of Oshiyama in teaching or suggesting each and every element of amended claim 1.

Since claim 1, as amended is believed allowable over the prior art of record, including Oshiyama and Cassou et al., Claims 2-4, 8-10 and 16 too are believed allowable over the prior art of record, including Oshiyama and Cassou et al.. For the above-mentioned reasons, withdrawal of the rejection applied to Claims 5 and 17-19 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,976,708 to Oshiyama et al. in view of U.S. Patent No. 6,079,184 to Cassou et al. is respectfully requested.

Former Claims 11-15 and 20-21 have been rejected under 35 U.S.C §103(a) as being unpatentable over U.S. Patent No. 4,976,708 to Oshiyama et al. in view of U.S. Patent No. 4,804,363 to Valeri. Claims 11-15 and 20-21 all depend either directly or indirectly from amended claim 1, and thus recite all of the features of amended claim 1. As mentioned above,

claim 1, as amended, is believed allowable over Oshiyama, since Oshiyama fails to teach or suggest each and every element of amended claim 1. Valeri does not remedy the deficiencies of Oshiyama in teaching or suggesting each and every element of amended claim 1.

Since claim 1, as amended is believed allowable over the prior art of record, including Oshiyama and Valeri, Claims 11-15 and 20-21 too are believed allowable over the prior art of record, including Oshiyama and Valeri. For the above-mentioned reasons, withdrawal of the rejection applied to Claims 11-15 and 20-21 under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 4,976,708 to Oshiyama et al. in view of U.S. Patent No. 4,804,363 to Valeri is respectfully requested.

In light of the foregoing remarks, applicants respectfully submit that Claims 1-21 define patentable subject matter over the cited prior art, considered alone or in combination. An early allowance of the Claims 1-21 is earnestly solicited.

Respectfully submitted,
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APPENDIX 1**IN THE SPECIFICATION**

Please amend the paragraph which had begun on page 6, line 26 and which now follows the above paragraph, as follows:

In one embodiment of the invention, part of the thermoplastics films is colored, defining a colored part 14 and a marking area 15. The marking area 15 carries a drawing 21 (or other identification marking) [(not shown)] seen through the transparent film and depicting the breed concerned.

IN THE CLAIMS

Please amend Claims 1, 2, 6, 8, 15 and 16 as follows:

1. (Amended) A pouch for packaging liquids for artificially inseminating animals, comprising two thermoplastics material films welded together by a weld delimiting a pouch along a closed path of generally rectangular shape defining two shorter sides [(x) and (x')] and two longer sides [(z) and (z')] when the pouch is empty, the weld providing a first [and] one of [which] the shorter sides [(x) is interrupted] comprising a first interruption, the first interruption [, the weld] defining [from said interruption] a filler passage between [, defining a filler part in] said thermoplastics material films, the second one of the shorter sides comprising a second interruption, the second interruption defining a drain passage between said thermoplastic material films wherein said drain passage is closed before use by sealing means extending across the second interruption and joining the two thermoplastic material films [characterized in that the

material films].

2. (Amended) A pouch according to claim 1, wherein at least one of the two thermoplastics material films has a peelable area in the region through which the drain [part] passage extends.

6. (Amended) A pouch according to claim 1, wherein said two thermoplastics material films are offset relative to each other in the region through which the drain [part] passage extends.

8. (Amended) A pouch according to claim 1, [containing] being at least partially filled with a liquid, wherein the drain passage [that] has been sealed in a sealing area, the sealing area being within said peelable area, [in the vicinity of the drain part of the drain passage,] and substantially [transversely] transverse to the axis [thereof] of the drain passage.

15. (Amended) A pouch according to claim 14, comprising transparent film forming at least a portion of the pouch, wherein the identification marking is adapted to be seen through the transparent film[, which is transparent].

16. (Amended) A pouch according to claim 1, wherein at least one of the two thermoplastics material films has a peelable area in the region through which the filler passage extends [part].